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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/576,269	05/22/2000	Michael J. Cummings	A0000278-04-CWA	2684

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EXAMINER

DEXTER, CLARK F

ART UNIT	PAPER NUMBER
3724	15

DATE MAILED: 07/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. <b>09/576,269</b>	Applicant(s) <b>Cummings et al.</b>
Examiner <b>Clark F. Dexter</b>	Art Unit <b>3724</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on Mar 5, 2003

2a)  This action is FINAL. 2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 1-51 is/are pending in the application.

4a) Of the above, claim(s) 5-24, 30, 31, 33, 34, 37-41, 43, 44, and 49-51 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-4, 25-29, 32, 35, 36, 42, and 45-48 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on Jan 29, 2003 is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)  Notice of Informal Patent Application (PTO-152)

3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6)  Other: \_\_\_\_\_

Art Unit: 3724

### **DETAILED ACTION**

1. The amendments filed January 29, 2003 and May 5, 2003 have been entered. It is noted that in view of the amendment practice under 37 CFR 1.121 which became effective for all amendments on March 1, 2001, and due to the limited amount of examining time per application, if the amendment contains changes to existing language that requires a marked-up version showing those changes, the Examiner is relying upon the marked-up version(s) for examination of the application. It is applicant's responsibility to ensure that the clean version(s) is (are) the same as the marked-up version(s). It is further noted that the clean version(s) is (are) considered to be the Official version(s).

#### *Drawings*

2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on January 29, 2003 have been **approved**. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

Art Unit: 3724

***Claim Objections***

3. Claims 32, 35, 36 and 42 are objected to because of the following informalities:

In claim 32, lines 3-4, "being for" is improper and it is suggested to simply delete "being" or the like.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. Claims 1-4, 25-29, 32, 35, 36, 42 and 45-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 2, "body" is vague as to what disclosed structure it refers, particularly since the term is not defined in the specification. ↗

In claim 32, line 2, "handle" is vague as to what disclosed structure it refers, particularly since the term is not defined in the specification. ↗

In claim 45, line 2, "dispenser" is vague as to what disclosed structure it refers, particularly since the term is not defined in the specification; in lines 6-7, the recitation "the lower end and side walls of said dispenser and said cap" is unclear as to whether the lower end and side walls are part of the dispenser, the cap, or both, and it is suggested to simply insert --by-- before "said cap" or the like; in line 14, "said plurality of apertures at the upper end of said body" lacks antecedent basis, and it is suggested to change "body" to --cap-- or the like.

Art Unit: 3724

In claim 47, line 3, the recitation "underlying the one or more razor cartridges" renders the claim vague and indefinite since the invention is being positively defined in terms of the razor cartridges which are not set forth as being part of the claimed invention, and it is suggested before "underlying" to insert --within the razor cartridge receiving area for-- or the like.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4, 25-28, 32, 35 and 36 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Pica, pn 2,037,588.

***Claim Rejections - 35 USC § 102/103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3724

8. Claims 29 and 45-48 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Pica, pn 2,037,588.

Pica discloses a shaving assembly with every structural limitation of the claimed invention.

In the alternative, regarding claim 29, if it is argued that Pica does not disclose one or more razor cartridges permanently secured to the cap, the Examiner takes Official notice that such a razor configuration is old and well known in the art and provides various known benefits including providing a cartridge configuration for improved safety in handling the razors, e.g., during assembly thereof, while substantially eliminating the possibility of the losing or misplacing the razor blade of the shaving assembly once assembled (e.g., to the cap). Therefore, it would have been obvious to one having ordinary skill in the art to provide one or more razor cartridges permanently secured to the cap for the well known benefits including those described above.

In the alternative, regarding claims 45-48, if it is argued that Pica discloses a round handle with only a single side wall and thus does not disclose a plurality of side walls as set forth in claim 45, the Examiner takes Official notice that such a handle configuration, for example a square/rectangular handle, is old and well known in the art and provides various known benefits relative to round handle including allowing a user to “feel” the blade location without having to look at the shaver, e.g., by feeling the wider flat side walls. Therefore, it would have been

Art Unit: 3724

obvious to one having ordinary skill in the art to provide a plurality of side walls for the well known benefits including those described above.

*Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404. The examiner's typical work schedule is Monday, Tuesday, Thursday and Friday, and he can be reached during normal business hours on these days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Allan Shoap, can be reached at (703)308-1082.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers Technology Center 3700 are: after-final responses - (703)872-9303; other formal/official papers - (703)872-9302. The fax number for informal/draft papers - (703)305-9835.



Clark F. Dexter  
Primary Examiner  
Art Unit 3724

cfd  
July 28, 2003